

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2551-117

C# M#

MAERTENS et al.

TC/A.U.

1634

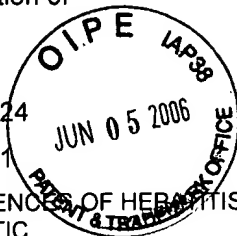
Serial No. 09/873,224

Examiner: Martinell

Filed: June 5, 2001

Date: Monday, June 5, 2006

Title: NEW SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS THERAPEUTIC

DAC  
/ JFD

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR § 1.705(b)**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)  
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)  
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: fee code 1455 \$ 200.00

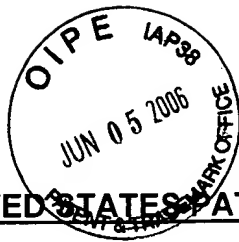
**TOTAL FEE PAID BY ATTACHED CREDIT CARD PAYMENT FORM \$ 200.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
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BJS:

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

MAERTENS et al.

Atty. Ref.: 2551-117; Confirmation No. 4458

Appl. No. 09/873,224

TC/A.U. 1634

Filed: June 5, 2001

Examiner: Martinell

For: NEW SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS  
THERAPEUTIC

\* \* \* \* \*

**Monday, June 5, 2006**

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §  
1.705(b)**

The Office is requested to reconsider the Patent Term Adjustment (PTA) of the  
above-identified application.

Specifically, the Determination of Patent Term adjustment under 35 U.S.C.  
154(b) dated March 3, 2006 states that the Patent Term Adjustment to date is 303 days.

As detailed below, the applicants believe an additional delay of 53 days by the  
Patent Office, pursuant to 37 CFR § 1.703(b)(4), should be added to the PTA

calculation for a total Patent Term Adjustment of 356 days.

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A copy of the Patent Term Adjustment History calculation printed from the Patent  
Office IFW (hereinafter referred to as "PTO IFW") is attached.

The present Application is being filed with the payment of the issue fee.

The fee set forth in 37 CFR § 1.18(e) (fee code 1455, \$200) is attached.

The following is a statement of facts required by 37 CFR § 1.705 (b)(2).

The correct patent term adjustment is believed to be 357 days.

The following bases under 37 CFR § 1.702 are believed to exist:

(1) 37 CFR § 1.702(a)(1) - 263 days from August 6, 2002  
(day after 14 months after filing of application) through April  
25, 2003 (mailing of a first Action);

(2) 37 CFR § 1.702(a)(2) - 98 days from December 26,  
2003 (day after 3 months after filing August 25, 2003  
response) through April 1, 2004 (mailing of further action by  
PTO); and

(3) 37 CFR § 1.702(b) - 53 days from June 6, 2004 (day  
after three years after June 5, 2001 filing date of application)  
through July 28, 2004 filing of Notice of Appeal (the time  
period of 37 CFR § 1.702(b) not including the period from  
the filing of a Notice of Appeal through the mailing of a  
Notice of Allowance, as described in 37 CFR § 1.703(b)(4)).

The relevant dates as specified in 37 CFR §§ 1.703(a) through (e) are as follows:

(1) 37 CFR § 1.703(a)(1) - August 6, 2002 (day after 14  
months after filing of application) through April 25, 2003  
(mailing of a first Action);

(2) 37 CFR § 1.703(a)(2) - December 26, 2003 (day after 3 months after filing August 25, 2003 response) through April 1, 2004 (mailing of further action by PTO); and

(3) 37 CFR § 1.703(b) - June 6, 2004 (day after three years after June 5, 2001 filing date of application) through July 28, 2004 filing of Notice of Appeal (the time period of 37 CFR § 1.702(b) not including the period from the filing of a Notice of Appeal through the mailing of a Notice of Allowance, as described in 37 CFR § 1.703(b)(4)).

The application is not believed to be subject to a Terminal Disclaimer.

The relevant dates as specified in 37 CFR §§ 1.704 are as follows:

(1) 37 CFR § 1.704(b) - July 26, 2003 through August 25, 2003 (31 days) and July 2, 2004 through July 28, 2004 (27 days).

The above is believed to provide all of the requirements of 37 CFR § 1.705(b) however the Office is requested to advise the undersigned in the event anything further is required in this regard.


As detailed above, the total period of reduction of the period of adjustment of patent term, pursuant to 37 CFR § 1.705, is believed to be 356 days.

A Notice recalculating the PTA as requested above, or further explanation, is requested.

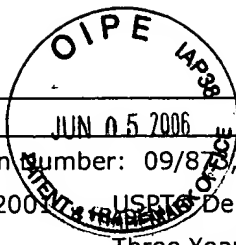
MAERTENS et al.  
Appl. No. 09/873,224  
Monday, June 5, 2006

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
B. J. Sadoff  
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## Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 09/872,224

Filing or 371(c) Date:	06-05-2001	USPTO Delay (PTO) Delay (days):	361
Issue Date of Patent:	null	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	58
Post-Issue Petitions (days):	+0	Total PTA (days):	303
USPTO Adjustment(days):	+0	Explanation Of Calculations	

## Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
03-03-2006	Mail Notice of Allowance		
02-27-2006	Notice of Allowance Data Verification Completed		
01-10-2006	Date Forwarded to Examiner		
12-19-2005	Amendment after Final Rejection		
12-07-2005	Mail Examiner Interview Summary (PTOL - 413)		
12-06-2005	IFW TSS Processing by Tech Center Complete		
12-01-2005	Examiner Interview Summary Record (PTOL - 413)		
10-04-2005	Miscellaneous Incoming Letter		
09-23-2005	Mail Final Rejection (PTOL - 326)		
09-19-2005	Final Rejection		
06-27-2005	Reference capture on IDS		
06-27-2005	Information Disclosure Statement (IDS) Filed		
07-05-2005	Date Forwarded to Examiner		
06-27-2005	Response after Non-Final Action		
07-05-2005	CRF Is Good Technically / Entered into Database		
05-26-2005	Miscellaneous Incoming Letter		
05-18-2005	Mail Non-Final Rejection		
05-13-2005	Non-Final Rejection		
05-12-2005	Correspondence Address Change		
03-12-2005	Date Forwarded to Examiner		
02-28-2005	Appeal Brief Filed		
02-28-2005	Request for Extension of Time - Granted		
12-28-2004	Case Docketed to Examiner in GAU		
10-13-2004	Mail Advisory Action (PTOL - 303)		
10-12-2004	Advisory Action (PTOL-303)		
08-06-2004	Date Forwarded to Examiner		
07-28-2004	Amendment/Argument after Notice of Appeal		
07-28-2004	Notice of Appeal Filed		27
07-28-2004	Request for Extension of Time - Granted		↑
07-28-2004	Workflow incoming amendment IFW		↑
04-01-2004	Mail Final Rejection (PTOL - 326)	98	
03-31-2004	Final Rejection	↑	

01-29-2004	Reference capture on IDS	↑	
08-25-2003	New or Additional Drawing Filed	↑	
08-25-2003	Information Disclosure Statement (IDS) Filed	↑	
01-29-2004	Date Forwarded to Examiner	↑	
08-25-2003	Response after Non-Final Action		31
08-25-2003	Request for Extension of Time - Granted	↑	
09-04-2003	CRF Is Good Technically / Entered into Database	↑	
04-25-2003	Mail Non-Final Rejection	263	
04-24-2003	Non-Final Rejection	↑	
11-20-2002	Information Disclosure Statement (IDS) Filed	↑	
02-07-2002	Case Docketed to Examiner in GAU	↑	
06-05-2001	Preliminary Amendment	↑	
01-29-2002	Case Docketed to Examiner in GAU	↑	
01-17-2002	Application Dispatched from OIPE	↑	
01-17-2002	Application Is Now Complete	↑	
01-14-2002	CRF Is Good Technically / Entered into Database	↑	
06-13-2001	IFW Scan & PACR Auto Security Review	↑	
06-05-2001	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
06-05-2001	Initial Exam Team nn	↑	

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